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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,079	12/15/2003	Lee Hill	9314-57	3249
54414 7590 04/04/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
STEPHEN, EMEM O				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/736,079

**Applicant(s)**

HILL ET AL.

**Examiner**

EMEM STEPHEN

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-32 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date 2/27/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 21-24 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,884,193 to Kaplan in view of US Publication No. 20040209595 A1 to Bekanich.

Regarding claim 1, Kaplan discloses a method for controlling usage of a mobile terminal (col. 1 lines 8-11, and 57-63), the method comprising: receiving a usage specification including an identification of allowed numbers, an identification of restricted numbers, a usage time limitation, an expiration value and/or a specification of enabled services of the mobile terminal that are restricted (col. 1 lines 59-63); and limiting usage of the mobile terminal based on the received usage specification responsive to receipt of a valid authorization code (col. 2 lines 4-8, col. 3 lines 26-29, and col. 4 lines 56-64).

However, Kaplan fails to specifically disclose wherein receiving a usage specification and limiting usage further comprise at least one of the following: receiving a usage specification restricting access to enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions.

Bekanich discloses receiving a usage specification and limiting usage further comprise at least one of the following: receiving a usage specification restricting access to enabled services of the mobile terminal including internet access services,

multimedia messaging access services, email services, camera and/or video functions (see fig. 13 steps. 2-4, pars. 37, and 86).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kaplan with the usage specification of Beganich to enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions for the purpose of controlling usage of mobile terminal.

Regarding claim 2, the combination of Kaplan and Beganich discloses the method of claim 1 wherein the authorization code and/or the usage specification are received from a keypad and/or input screen of the mobile terminal (Kaplan, col.2 lines 2-8, and col. 5 lines 14-19).

Regarding claims 22 and 30, Kaplan discloses a usage control system and computer program product for controlling usage of a mobile terminal (see figure 5), the system comprising: a user interface circuit for receiving from a user an authorization code (col. 3 lines 26-29) and a usage specification including an identification of allowed numbers, an identification of restricted numbers, a usage time limitation, an expiration value and/or a specification of enabled services of the mobile terminal that are restricted (col. 4 lines 25-55); and an access circuit configured to limit usage of the mobile terminal based on the received usage specification responsive to receipt of a valid authorization code (col. 3 line 66 – col. 4 line 24).

However, Kaplan fails to disclose wherein the user interface circuit and the access circuit are further configured for-at least one of the following: receiving a usage specification restricting access to enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions.

Bekanich discloses wherein the user interface circuit and the access circuit are further configured for-at least one of the following: receiving a usage specification restricting access to enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions (pars. 37, and 86).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kaplan with the usage specification of Bekanich to enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions for the purpose of utilizing usage specification in controlling usage of mobile terminal.

Regarding claims 21, and 31-32, the combination of Kaplan and Bekanich discloses the method of claim 1 wherein the usage time limitation includes a limitation on the duration of usage of the mobile terminal (Bekanich, par. 83 line 4).

Regarding claims 23, and 24, the combination of Kaplan and Bekanich discloses the system of claim 22 wherein a mobile terminal includes the usage control system;

and the user interface includes a keypad and/or input screen of the mobile terminal (Kaplan, see figures 1, and 5, col. 2 lines 2-8, and col. 4 lines 46-49).

6. Claims 3-8, 20, and 25, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Bekanich, and further in view of U. S. Publication No. 2004/0203601 A1 to Morriss et al.

Regarding claims 3-8 and 20, the combination of Kaplan and Bekanich discloses wherein the authorization code is encoded to restrict viewing of the authorization code by a user of the mobile terminal; wherein the authorization code is a reset code and wherein the method further comprises over-riding the usage specification responsive to receipt of the reset code (Kaplan, col.2 lines 43-54, and col. 4 line 65-col. 5 line 20). However, the combination fails to disclose wherein the authorization code and/or the usage specification are received from a remote user over a wireless communication connection; wherein the authorization code is received from a remote user over a wireless communication connection; wherein over-riding the usage specification comprises selecting an alternative usage specification responsive to receipt of the reset code; wherein the alternate usage specification includes no restrictions to return the mobile terminal to a normal operating mode; wherein the usage time limitation includes a limitation on times of day when the mobile terminal may be used.

Morriss et al. discloses wherein the authorization code and/or the usage specification are received from a remote user over a wireless communication connection; wherein the authorization code is received from a remote user over a

wireless communication connection; wherein over-riding the usage specification comprises selecting an alternative usage specification responsive to receipt of the reset code; wherein the alternate usage specification includes no restrictions to return the mobile terminal to a normal operating mode; wherein the usage specification is received from a remote user over a wireless communication connection; wherein the usage time limitation includes a limitation on times of day when the mobile terminal may be used (pars. 0011, 0051, 0053, and 0055).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the authorization code and/or the usage specification are received from a remote user over a wireless communication connection as disclosed by Morriss et al. for the purpose of securing the terminal from a remote location when lost.

Regarding claims 25, and 27-29, the combination of Kaplan and Beganich discloses the system of claim 24, wherein the authorization code is a reset code and wherein the access circuit is further configured to over-ride the usage specification responsive to receipt of the reset code to return the mobile terminal to a normal operating mode (Kaplan col. 2 lines 43-54, and col. 4 line 65-col. 5 line 20); wherein the user interface further comprises: a usage controls menu of the mobile terminal; a menu of usage restriction options; wherein the user interface is further configured to retrieve a listing of numbers from a phone book of the mobile terminal and to display the listing of numbers on a screen of the mobile terminal responsive to selection of an associated



option on the menu of usage restriction options and to receive a designation of ones of the displayed listing of numbers to include in the usage specification Kaplan (col. 4 lines 46-55, and col. 8 lines 5- col. 9 line 43); and wherein the system further comprises a memory including an identification of a valid authorization code and usage restriction options (Kaplan col. 4 lines 35-64).

However, the combination fails to disclose wherein the user interface further includes a transceiver configured to receive the authorization code and/or the usage specification from a remote user over a wireless communication connection.

Morriss et al. discloses wherein the user interface further includes a transceiver configured to receive the authorization code and/or the usage specification from a remote user over a wireless communication connection (pars. 0035, and 0037).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the user interface further includes a transceiver configured to receive the authorization code and/or the usage specification from a remote user over a wireless communication connection as disclosed by Morriss et al. for the purpose of locking the user interface.

7. Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Bkanich, and further in view of U. S. Patent No. 5,517,554 to Mitchell et al..

Regarding claim 9, the combination of Kaplan and Bkanich discloses providing a menu of usage restriction options to a user only if the authorization code is verified as

valid; receiving a selection of restrictions from the user responsive to the provided menu; and generating the usage specification responsive to the received selection of restrictions (Kaplan col. 4 lines 56-64, and col. 8 line 4- col. 9 line 43). However, the combination fails to disclose wherein receiving a usage specification comprises: accessing a usage controls menu of the mobile terminal; prompting a user for entry of the authorization code; verifying the authorization code.

Mitchell et al. discloses a usage controls menu of the mobile terminal; prompting a user for entry of the authorization code; verifying the authorization code (see figure 2 step 100-112, and col. 3 lines 28-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have a usage specification comprises: accessing a usage controls menu of the mobile terminal; prompting a user for entry of the authorization code; verifying the authorization code as disclosed by Mitchell et al for the purpose of authentication to prevent fraudulent usage.

Regarding claims 10-13, 15, 16, 18 and 19, the combination of Kaplan, Beganich, and Mitchell discloses the method of claim 9 wherein receiving a selection of restrictions comprises receiving a disable request and wherein generating the usage specification comprises generating a usage specification that includes no restrictions to place the mobile terminal in a normal operating mode (Kaplan, col. 8 lines 34-35);

wherein receiving a selection of restrictions comprises receiving an identification of allowed numbers (Kaplan, col. 10 lines 1-14);

wherein providing a menu includes providing a listing of numbers from a phone book of the mobile terminal to a display of the mobile terminal and wherein receiving a selection of restrictions comprises receiving a designation of ones of the displayed listing of numbers (Kaplan, col. 8 lines 9-22);

wherein receiving a selection of restrictions comprises receiving an identification of restricted numbers (Kaplan, col. 8 lines 9-22);

wherein receiving a selection of restrictions comprises receiving a specification of enabled services of the mobile terminal that are restricted and wherein the specification of enabled services includes a restriction on placement of long distance calls and/or calls to specified area codes from the mobile terminal (Kaplan, col. 7 lines 44-55);

wherein the specification of enabled services includes a restriction on placement of calls to specified area codes and wherein the restriction of placement of calls to specified area codes comprises a designation of allowed area codes for calls from the mobile terminal (Kaplan, see figure 4A step 6);

wherein limiting usage of the mobile terminal further comprises allowing placement of emergency calls even if usage of the mobile terminal is otherwise restricted (Kaplan, col. 10 lines 11-14);

wherein limiting usage of the mobile terminal further comprises allowing placement of calls to a specified number even if usage of the mobile terminal is otherwise restricted (Kaplan, col. 10 lines 1-14 and col. 7 line 44-col. 10 line 14).

Regarding claims 14, and 17, the combination of Kaplan, Bekanich, and Mitchell discloses the method of claim 9, wherein the specification of enabled services includes a restriction on Internet access services of the mobile terminal, and wherein the specification of enabled services includes a restriction on placement of calls when the mobile terminal is in a roaming mode (Bekanich, pars. 0019-0022, 0029-0034, 0044, and 0086).

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Bekanich, and further in view of U. S. Patent No. 7,058,806 B2 to Smeets et al..

Regarding claim 26, the combination of Kaplan and Bekanich discloses the system of claim 24, however, the combination fail to disclose the user interface further configured to restrict viewing of the authorization code by a user of the mobile terminal

Smeets discloses the user interface is further configured to restrict viewing of the authorization code to prevent viewing (col. 2 line 1-col. 3 line 11, col. 4 lines 40-43, encrypted). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the user interface configured to restrict viewing of the authorization code to prevent viewing as disclosed by Smeets for the purpose of intercepting fraudulent usage.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM STEPHEN whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571 272 7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ES  
03/20/08

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617